IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3963 OF 2004.
IN
CRIMINAL APPEAL NO. 452 OF 2004.

Ganga Yanku Palve. ..Applicant.

VERSUS.

State of Maharashtra ..Respondent.

...

Ms. Revati Mohite-Dere for the applicant.

Mr. Shringarpure, A.P.P. for the respondent.

CORAM: V.M.KANADE,J.

DATE : OCTOBER 1, 2004.

P.C.:-

1. Heard learned counsel appearing on behalf of the applicant and the learned APP for the State. The applicant is convicted by the trial Court for committing an offence punishable under Section 304 part-II of the Indian Penal Code and sentenced to suffer R.I. for a period of 7 years. The prosecution case is that there was domestic quarrel between the accused and his wife, and the complainant's father tried to intervene in the said quarrel, at that time the accused assaulted his father with stick on his head and as a result of which he fell down. The trial court has convicted the accused under

section 304 part-II of the Indian Penal Code. The learned counsel submitted that there is every possibility that the accused may be acquitted as there is contradiction between the ocular and medical evidence. It is submitted that doctor has also observed that the injuries would have been caused as a result of the fall of the deceased on the rocky surface. Under these circumstances, the applicant be released on bail of Rs.5,000/- with one or two sureties of like amount.

(V.M.KANADE,J.)